



**Thompson Wigdor & Gilly LLP** ATTORNEYS AND COUNSELORS AT LAW

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June 4, 2010

**BY ECF**

The Honorable Gary L. Sharpe  
United States District Judge  
James T. Foley U.S. Courthouse  
445 Broadway, Room 441  
Albany, New York 12207

**Re: *Kathleen Curns & Linda Zukaitis v. Wal-Mart Stores, Inc.*,  
No. 06 Civ. 1336 (GLS)**

Dear Judge Sharpe:

As Your Honor is aware, we represent Plaintiffs Kathleen Curns and Linda Zukaitis ("Plaintiffs") in the above-referenced matter, which is scheduled for trial to commence this Monday, June 7, 2010. As mentioned briefly during the final pretrial conference yesterday, Defendant's witness list identifies Patricia LeGoff – the attorney who signed Defendant's Position Statements to the EEOC – as a potential trial witness. However, Defendant has invoked the attorney-client privilege and refused to produce documents responsive to Plaintiff's discovery requests for materials that Ms. LeGoff created and/or relied upon in drafting the Position Statements.

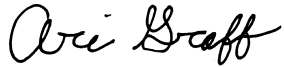
We therefore write to respectfully request that – to the extent that Defendant will be permitted to call Ms. LeGoff to testify about Defendant's Position Statements at trial – the Court direct Defendant to produce to Plaintiffs, before she testifies, all documents that Ms. LeGoff created and/or relied upon in drafting Defendant's Position Statements to the EEOC, as such documents are within the scope of the previously asserted privileges that will be waived by Ms. LeGoff's voluntary testimony about the purported justifications alleged in the Position Statements concerning Defendant's refusal to hire Plaintiffs for the positions at issue in this case. Plaintiffs will be denied the opportunity to conduct a full and fair cross-examination of Ms. LeGoff without such disclosure.

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Thank you for Your Honor's consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ariel Y. Graff". The signature is written in a cursive, flowing style.

Ariel Y. Graff

cc: Counsel for All Parties (*by ECF*)